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CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 758

Introduced by Assembly Members Plescia and Portantino

February 22, 2007

An act to amend Sections 11208 and 11219.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL’S DIGEST

AB 758, as amended, Plescia. Vehicles: traffic violator schools.

(1) Existing law authorizes a court to order a person convicted of a traffic violation to attend a traffic violator school licensed under certain provisions of the Vehicle Code; or, in lieu of adjudicating a traffic offense, if the defendant holds a certain noncommercial driver’s license, and with the consent of the defendant, to order the person to attend a licensed traffic violator school, a licensed driving school, or any other court-approved program of driving instruction.

This bill would prohibit the Department of Motor Vehicles from requiring a licensee, in the event of a cancellation of a scheduled class, to provide a program of instruction in traffic safety to a person for a fee that is less than the standard fee normally charged by the licensee for its program if the notice of cancellation was given to a student at least

72 hours in advance of the class, or if the class was cancelled due to exigent circumstances beyond the control of the licensee.

(2) Existing law authorizes a licensed traffic violator school to charge a fee, not to exceed \$3, in addition to the fee charged by the department, for the issuance of a duplicate certificate of completion.

The bill would authorize the traffic violator school to charge a fee, not to exceed \$15, instead of \$3, for the issuance of a duplicate certificate of completion, at the request of a traffic violator, when the original was lost, stolen, or mutilated.

(3) Existing law permits a court to order a continuance against a person who receives a notice to appear in court for a violation of a statute relating to the safe operation of a vehicle, in consideration for attendance at a licensed school for traffic violators, a licensed driving school, or other court-approved program of driving instruction, and after that attendance and subject to specified conditions, to dismiss the complaint.

This bill would require the Department of Motor Vehicles, on or before July 1, 2008, to submit a report to the Legislature containing a comprehensive plan with specified components by which the licensing of all traffic violator instruction programs may be consolidated under the authority of the department.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) It is the intent of the Legislature that, except
2 as provided in subdivisions (f) and (g) of Section 42005 of the
3 Vehicle Code, the Department of Motor Vehicles should license
4 all programs that provide traffic safety instruction to traffic
5 violators, if the completion of the program would result in the
6 dismissal of a traffic violation by a court or the completion of the
7 program would be in lieu of adjudicating the traffic offense.

8 (b) It is the further intent of the Legislature that the licensing
9 authority of the department should apply regardless of the modality
10 in which the traffic safety instruction is given.

11 (c) Except as provided in subdivisions (f) and (g) of Section
12 42005 of the Vehicle Code, it is the intent of the Legislature that
13 a court should not dismiss a traffic citation committed by a driver

1 who completes a traffic safety instruction program unless that
2 program is licensed by the department.

3 SEC. 2. Section 11208 of the Vehicle Code is amended to read:

4 11208. (a) Fees for issuance by the department of a license to
5 a traffic violator school owner shall be as follows:

6 (1) For the original license or an ownership change which
7 requires a new application, except as provided by Section 42231,
8 a fee of one hundred fifty dollars (\$150), with an additional fee of
9 seventy dollars (\$70) for each separate traffic violator school
10 branch or classroom location licensed. The fee prescribed by this
11 subdivision is nonrefundable.

12 (2) For annual renewal of the license for a traffic violator school
13 and for each branch or classroom location, a fee of fifty dollars
14 (\$50).

15 (3) If alteration of an existing license is required by a firm name
16 change, a change in corporate officer structure, address change,
17 or the addition of a traffic violator school branch or classroom
18 location, a fee of seventy dollars (\$70).

19 (4) For replacement of the license certificate when the original
20 license is lost, stolen, or mutilated, a fee of fifteen dollars (\$15).

21 (b) Fees for the issuance by the department of a license for a
22 traffic violator school operator shall be as follows:

23 (1) For the original license, a nonrefundable fee of one hundred
24 dollars (\$100).

25 (2) For annual renewal of the license, a fee of fifty dollars (\$50).

26 (3) If alteration of an existing license is caused by a change in
27 the name or location of the established principal place of business
28 of the traffic violator school operated by the licensee, including a
29 transfer by a licensee from one traffic violator school to another,
30 a fee of fifteen dollars (\$15).

31 (4) For replacement of the license certificate when the original
32 license is lost, stolen, or mutilated, a fee of fifteen dollars (\$15).

33 (c) Fees for the issuance by the department of a license for a
34 traffic violator school instructor shall be as follows:

35 (1) For the original license, except as provided by Section 42231,
36 a nonrefundable fee of thirty dollars (\$30).

37 (2) For the triennial renewal of a license, a fee of thirty dollars
38 (\$30).

39 (3) If alteration of an existing license is required by a change
40 in the instructor's employing school's name or location, or transfer

1 of the instructor's license to another employing school, a fee of
2 fifteen dollars (\$15).

3 (4) For replacement of the instructor's license certificate when
4 the original license is lost, stolen, or mutilated, a fee of fifteen
5 dollars (\$15).

6 (d) The department shall charge a fee, not to exceed three dollars
7 (\$3), for each completion certificate issued by a traffic violator
8 school to each person referred by a court pursuant to Section 42005
9 and completing instruction at the traffic violator school. The
10 amount of the fee shall be determined by the department and shall
11 be a fee sufficient to defray the actual costs incurred by the
12 department for publication and distribution of lists of schools for
13 traffic violators pursuant to Section 11205, for monitoring
14 instruction, business practices, and records of schools for traffic
15 violators and for any other activities deemed necessary by the
16 department to assure high quality education for traffic violators.
17 Upon satisfactory completion of the instruction offered by a
18 licensed traffic violator school, the traffic violator school shall
19 provide the student referred by a court pursuant to Section 42005
20 with a certificate of completion furnished by the department. A
21 certificate of completion shall not be issued to a person who elects
22 to attend a traffic violator school. A traffic violator school shall
23 not charge a fee in excess of the fee charged by the department
24 pursuant to this subdivision for furnishing a certificate of
25 completion. A traffic violator school may charge a fee not to exceed
26 fifteen dollars (\$15), to issue a duplicate certificate of completion
27 that was requested by a traffic violator, when the original certificate
28 was lost, stolen, or mutilated. A student referred by a court pursuant
29 to Section 42005 shall present this certificate of completion to the
30 court as proof of completion of instruction, and no other proof of
31 completion of instruction may be accepted by the court.

32 (e) The department shall compile its actual costs incurred to
33 determine the fee prescribed in subdivision (d) and make available
34 its financial records used in the determination of the fee for
35 completion certificates. The fee shall be adjusted every
36 odd-numbered year based upon the costs incurred during the
37 preceding two fiscal years. The records described in this
38 subdivision are public records.

39 SEC. 3. Section 11219.5 of the Vehicle Code is amended to
40 read:

1 11219.5. (a) A traffic violator school shall issue a receipt for
2 a fee collected by the traffic violator school from a person who
3 registers for, attends, or completes a program of instruction in
4 traffic safety at the licensed traffic violator school.

5 (b) In the event of a cancellation of a scheduled class, a licensee
6 under this chapter shall not be required by the department to
7 provide a program of instruction in traffic safety to a person for a
8 fee that is less than the standard fee normally charged by the
9 licensee for its program, if a notice of cancellation of a class is
10 given to a student at least 72 hours prior to the start of the class,
11 or if the class was cancelled based upon exigent circumstances
12 beyond the control of the licensee.

13 SEC. 4. (a) Notwithstanding Section 7550.5 of the Government
14 Code, on or before July 1, 2008, the Department of Motor Vehicles
15 shall submit a report to the Legislature containing a comprehensive
16 plan by which the licensing of all traffic violator instruction
17 programs may be consolidated under the authority of the
18 department.

19 (b) The report described in subdivision (a) shall be prepared in
20 consultation with representatives of the courts, the traffic violator
21 school industry, and court assistance programs, and shall include,
22 but not be limited to, all of the following components:

23 (1) An estimated date by which all traffic violator schools,
24 regardless of the mode used to present the curricula, shall be
25 licensed under the comprehensive licensing program.

26 (2) A plan to ensure that traffic safety instruction programs not
27 licensed by the department, but authorized by a court prior to the
28 adoption of a certification and licensing program by the department
29 ~~may continue to operate~~: *may continue to operate until the adoption*
30 *and implementation of a certification and licencing program by*
31 *the department.*

32 (3) (A) Curriculum requirements that ensure educational
33 equivalency within all modalities authorized by the department's
34 licensing program.

35 (B) In making its determination of educational equivalency, the
36 department shall take into consideration the differing methods of
37 instruction and the self-paced nature of home study programs.

38 (4) Development of standards that ensure the reasonable
39 protection of a student's personal information.

1 (5) Recommendations for modifying existing statutory and
2 regulatory requirements related to the traffic violator school
3 program.

4 (6) A plan for distributing a list of all licensed traffic violator
5 schools to courts and violators, including the modalities that are
6 offered by each school, and a method for randomizing the names
7 that appear on the referral list.

8 (7) Recommendations for a fee schedule to cover the
9 administrative costs to the department for the licensing and ongoing
10 regulation of traffic violator schools.

11 (8) Methodologies for distributing traffic violator school course
12 completion certificates to licensed traffic violator schools, including
13 electronic distribution.

14 (9) A plan describing the department's procedures for audit,
15 inspection, and monitoring of all licensed traffic violator schools.

16 (10) A plan for the department's expeditious response to
17 complaints regarding a licensed traffic violator school. The plan
18 shall include, but not be limited to, complaints lodged by
19 consumers, court assistance programs, or the courts.

20 (11) A cost-benefit analysis of contracting with
21 nongovernmental entities to assist in the monitoring of traffic
22 violator school programs for the purpose of ensuring quality
23 instruction and consumer protection.